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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. FILING DATE APPLICATION NO. 10/648,409 Steven Anthony Smith 08/25/2003 4006 **EXAMINER** 7590 11/18/2004 Steven Anthony Smith WILKENS, JANET MARIE 30075 NW Capehorn Rd ART UNIT PAPER NUMBER Buxton, OR 97109 3637

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) App						
## Defice Action Summary ## Defice Action Summary ## Deficit Action Summary ## ARTURIES STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## Deficit Summary is evaluable under the previous of 3°C FR 1.136(d). In no event, however, may a reply be limitely filed. ## His Deficit Completed Summary is evaluable under the previous of 3°C FR 1.136(d). In no event, however, may a reply be limitely filed. ## His Deficit Completed Summary is evaluable under the previous of 3°C FR 1.136(d). In no event, however, may a reply be limitely filed. ## His Deficit Completed Summary is evaluable under the previous of 3°C FR 1.136(d). In no event, however, may a reply be limitely filed. ## His Deficit Completed Summary is evaluable under the previous of 3°C FR 1.136(d). In no event, however, may a reply be limitely filed. ## His Deficit Completed Summary is reply selected strong in the particle under the mailing date of this communication, event if timely filed, may reduce any summary approaches any summary and patent term adjustment. See 3°C FR 1.764(b). ## His action is FINAL. ## DISSO Since this application is in condition for allowance except for formal matters, prosecution as to the merits is dosed in accordance with the practice under Ex parter Quayle, 1935 C.D. 11, 453 O.G. 213. ## DISSO Claim(s) is/are pending in the application. ## Application Papers ## Application Papers ## DISSO Claim(s) is/are rejected. ## Application Papers ## Pile Summary (Provided to by the Examiner. ## To Summary (Provided to by the Examiner.) ## To Summary (Provided to by the Examiner.) ## DISSO Claim(s) is discreted to by the Examiner. ## Application Papers ## Pile Summary (Provided Completed to by the Examiner.) ## DISSO Claim(s) Is discreted to be provided on the drawing(s) is objected to by the Examiner. ## DISSO Claim(s) Is discreted to provided to the provided C			Application No.	Applicant(s)		
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) <i>I</i> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachmant(e) 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Informal Patent Application (PTO-152)	Status			•		
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Drawings

The drawings are objected to because there are no reference numbers corresponding to the various features of the walking stick found therein. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities: it is improper to "refer back" to a provisional application (Note: simply stating that this application claims benefit to the provisional application will suffice.) and in the detailed description of the specification, the parts/features of the walking stick are not specifically discussed

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(e.g. discussed using reference numbers which correspond to the features shown in the figure). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim must be in one sentence form only. Note the format of the claims in the patents cited.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Stanec.

Stanec teaches a flexible (via graphite composite shaft 4; see Fig. 4), shock absorbing (via tip 10 and flexible shaft) power releasing shaft/walking stick.

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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ostertag (German patent 195 03 565). Ostertag teaches a flexible (via sections 5 in shaft; see Fig. 4), shock absorbing (via tip 3 and lower section 5) power releasing shaft/walking stick.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Moye. Moye teaches a flexible (via shaft 10), shock absorbing (via tip 12 and flexible shaft 10) power releasing shaft/walking stick.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens November 15, 2004